

Senate File 324 - Introduced

SENATE FILE 324

BY DANIELSON

A BILL FOR

1 An Act relating to extending the limitations of criminal
2 actions for sexual offenses, kidnapping, and human
3 trafficking, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 802.2, Code 2017, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **802.2 Sex offenses, kidnapping, and human trafficking — no**
4 **limitation of criminal action.**

5 An information or indictment for the following offenses may
6 be commenced at any time after the commission of the offense:

7 1. Sexual abuse in the first degree in violation of section
8 709.2.

9 2. Sexual abuse in the second degree in violation of section
10 709.3.

11 3. Sexual abuse in the third degree in violation of section
12 709.4.

13 4. Lascivious acts with a child in violation of section
14 709.8.

15 5. Assault with intent to commit sexual abuse in violation
16 of section 709.11.

17 6. Indecent contact with a child in violation of section
18 709.12.

19 7. Lascivious conduct with a minor in violation of section
20 709.14.

21 8. Sexual exploitation by a counselor, therapist, or school
22 employee in violation of section 709.15.

23 9. Sexual misconduct with a juvenile in violation of section
24 709.16, subsection 2.

25 10. Kidnapping in the first degree in violation of section
26 710.2.

27 11. Kidnapping in the second degree in violation of section
28 710.3.

29 12. Kidnapping in the third degree in violation of section
30 710.4.

31 13. Human trafficking in violation of section 710A.2.

32 14. Incest in violation of section 726.2.

33 15. Sexual exploitation of a minor in violation of section
34 728.12.

35 Sec. 2. Section 802.2A, Code 2017, is amended by striking

1 the section and inserting in lieu thereof the following:

2 **802.2B Child endangerment.**

3 An information or indictment for child endangerment in
4 violation of section 726.6, subsection 4, 5, or 6, committed
5 on or with a person who is under the age of eighteen years
6 shall be found within ten years after the person upon whom the
7 offense is committed attains eighteen years of age, or if the
8 person against whom the information or indictment is sought is
9 identified through the use of a DNA profile, an information or
10 indictment shall be found within three years from the date the
11 person is identified by the person's DNA profile, whichever is
12 later.

13 Sec. 3. Section 802.3, Code 2017, is amended to read as
14 follows:

15 **802.3 Felony — aggravated or serious misdemeanor.**

16 In all cases, except those enumerated in [section 802.1](#),
17 802.2, ~~802.2A~~, [802.2B](#), ~~802.2C~~, ~~802.2D~~, or [802.10](#), an
18 indictment or information for a felony or aggravated or
19 serious misdemeanor shall be found within three years after its
20 commission.

21 Sec. 4. Section 802.10, subsection 1, paragraph b, Code
22 2017, is amended to read as follows:

23 *b. "Identified" means the same as defined in ~~section 802.2~~ a*
24 person's legal name is known and the person has been determined
25 to be the source of the DNA.

26 Sec. 5. Section 802.10, subsection 3, Code 2017, is amended
27 to read as follows:

28 3. ~~However, notwithstanding~~ Notwithstanding [subsection 2](#),
29 an indictment or information shall be found against a person
30 within three years from the date the person is identified by
31 the person's DNA profile. ~~If the action involves sexual abuse,~~
32 ~~another sexual offense, kidnapping, or human trafficking,~~
33 ~~the indictment or information shall be found as provided in~~
34 ~~section 802.2, 802.2B, 802.2C, or 802.2D, if the person is~~
35 identified by the person's DNA profile, unless the information

1 or indictment is able to be commenced at any time.

2 Sec. 6. REPEAL. Sections 802.2A, 802.2C, and 802.2D, Code
3 2017, are repealed.

EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill relates to extending the limitations of criminal
8 actions (statute of limitations) for sexual offenses,
9 kidnapping, and human trafficking.

10 The amendment to Code section 802.2 provides that an
11 information or indictment may be commenced at any time after
12 the commission of the following offenses: sexual abuse in
13 the first degree in violation of Code section 709.2; sexual
14 abuse in the second degree in violation of Code section 709.3;
15 sexual abuse in the third degree in violation of Code section
16 709.4; lascivious acts with a child in violation of Code
17 section 709.8; assault with intent to commit sexual abuse in
18 violation of Code section 709.11; indecent contact with a child
19 in violation of Code section 709.12; lascivious conduct with a
20 minor in violation of Code section 709.14; sexual exploitation
21 by a counselor, therapist, or school employee in violation
22 of Code section 709.15; sexual misconduct with a juvenile in
23 violation of Code section 709.16, subsection 2; kidnapping
24 in the first degree in violation of Code section 710.2;
25 kidnapping in the second degree in violation of Code section
26 710.3; kidnapping in the third degree in violation of Code
27 section 710.4; human trafficking in violation of Code section
28 710A.2; incest in violation of Code section 726.2; and sexual
29 exploitation of a minor in violation of Code section 728.12.

30 Under current law, an information or indictment for a sexual
31 abuse offense committed on or with a person who is under 18
32 years of age shall be found within 10 years after the person
33 upon whom the offense is committed attains 18 years of age,
34 or if the person against whom the information or indictment
35 is sought is identified through the use of a DNA profile, an

1 information or indictment shall be found within three years
2 from the date the person is identified by the person's DNA
3 profile, whichever is later.

4 For other sexual abuse offenses committed upon a person 18
5 years of age or older, the information or indictment shall be
6 found within 10 years after the commission of the offense,
7 or if the person against whom the information or indictment
8 is sought is identified through the use of a DNA profile, an
9 information or indictment shall be found within three years
10 from the date the person is identified by the person's DNA
11 profile, whichever is later.

12 Under current law, an information or indictment for incest
13 shall be found within 10 years after the person upon whom the
14 offense is committed attains 18 years of age. For other incest
15 offenses committed upon a person 18 years of age or older, the
16 information or indictment shall be found within 10 years after
17 the commission of the offense. If the person against whom the
18 information or indictment is sought is identified through the
19 use of a DNA profile, the limitation shall be tolled. However,
20 an information or indictment shall be found within three years
21 from the date the person is identified by the person's DNA
22 profile.

23 Under current law, an information or indictment for sexual
24 exploitation by a counselor, therapist, or school employee
25 shall be found within 10 years after the person upon whom the
26 offense is committed attains 18 years of age. For other sexual
27 exploitation by a counselor, therapist, or school employee
28 offenses committed upon a person 18 years of age or older, the
29 information or indictment shall be found within 10 years of the
30 date the person was last treated by the counselor or therapist,
31 or within 10 years of the date the person was enrolled in or
32 attended the school.

33 If the person against whom the information or indictment
34 is sought is identified through the use of a DNA profile,
35 under current law the limitation shall be tolled. However, an

1 information or indictment shall be found within three years
2 from the date the person is identified by the person's DNA
3 profile, unless the information or indictment is able to be
4 commenced at any time under current law or the bill.

5 Under current law for kidnapping and human trafficking
6 offenses, the information or indictment for an offense
7 committed on or with a person who is under the age of 18 years
8 of age, shall be found within 10 years after the person upon
9 whom the offense is committed attains 18 years of age, or if
10 the person against whom the information or indictment is sought
11 is identified through the use of a DNA profile, an information
12 or indictment shall be found within three years from the date
13 the person is identified by the person's DNA profile, whichever
14 is later.

15 The bill repeals Code sections 802.2A, 802.2C, and 802.2D,
16 relating to sexual offenses, kidnapping, and human trafficking
17 due to the consolidation of provisions relating to these
18 offenses in Code section 802.2, which is amended by the bill.